

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	
v.)	No. 04-00298-01-CR-W-GAF
)	
JOHN PHILLIP STREET,)	
)	
Defendant.)	

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, by Todd P. Graves, United States Attorney; Matt J. Whitworth, Deputy United States Attorney; and W. Brent Powell, Assistant United States Attorney, all for the Western District of Missouri, pursuant to Title 21, United States Code, Section 848(h)(1) and Title 18, United States Code, Section 3593(a), notifies the Court and the defendant, John Phillip Street, that in the event the defendant is convicted of either Counts One, Two or Three of the indictment, alleging the intentional killing of Douglas C. Weil, the Government will seek a sentence of death as to each count for which a sentence of death is authorized.

The United States believes that the circumstances of each charged offense are such that a sentence of death is justified under Chapter 228 of Title 18 of the United States Code and/or Title 21, United States Code, Section 848 and will seek to prove the following aggravating factors as the basis for imposition of the death penalty:

A. Statutory Aggravating Factors for Count One of the Indictment Enumerated Pursuant to Title 21, United States Code, Section 848(n)(1) through (12)

1. John Phillip Street intentionally killed Douglas C. Weil. [21 U.S.C. § 848(n)(1)(A)].
2. John Phillip Street intentionally inflicted serious bodily injury that resulted in the death of Douglas C. Weil. [21 U.S.C. § 848(n)(1)(B)].
3. John Phillip Street intentionally engaged in conduct intending that Douglas C. Weil be killed or that lethal force be employed against Douglas C. Weil, which resulted in the death of Douglas C. Weil. [21 U.S.C. § 848(n)(1)(C)].
4. John Phillip Street intentionally engaged in conduct which he knew would create a grave risk of death to a person, other than one of the participants in the offense, and Douglas C. Weil died as a direct result of the act. [21 U.S.C. § 848(n)(1)(D)].
5. John Phillip Street committed the offense described in Count One in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to Douglas C. Weil. [21 U.S.C. § 848(n)(12)].
6. John Phillip Street committed the offense in Count One after substantial planning and premeditation. [21 U.S.C. § 848(n)(8)].

7. John Phillip Street committed the offense in Count One as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. [21 U.S.C. § 848(n)(7)].

B. Non-Statutory Aggravating Factors for Count One of the Indictment Enumerated Pursuant to Title 21, United States Code, Section 848(h)(1)(B)

1. John Phillip Street poses a threat of future dangerousness, based upon the probability that he would commit criminal acts of violence that would constitute a continuing threat to society, as evidenced for example, by one or more of the following, among others:
 - a. he has displayed a complete lack of remorse for the killing of Douglas C. Weil;
 - b. he used physical force and threats of violence to collect drug debts and enforce discipline within his drug organization.
2. Victim impact evidence. The offense caused injury, loss and harm because of Douglas C. Weil's personal characteristics as an individual human being and the impact of the death upon Douglas C. Weil's family.

C. Threshold Eligibility Factors for Counts Two and Three of the Indictment Enumerated Pursuant to Title 18, United States Code, Section 3591(a)(2)(A) through (D)

1. John Phillip Street intentionally killed Douglas C. Weil. [18 U.S.C. § 3591(a)(2)(A)].

2. John Phillip Street intentionally inflicted serious bodily injury that resulted in the death of Douglas C. Weil. [18 U.S.C. § 3591(a)(2)(B)].
3. John Phillip Street intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants of the offense, and Douglas C. Weil died as a direct result of the act. [18 U.S.C. § 3591(a)(2)(C)].
4. John Phillip Street intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Douglas C. Weil died as a direct result of the act. [18 U.S.C. § 3591(a)(2)(D)].

D. Statutory Aggravating Factors for Counts Two and Three of the Indictment Enumerated Pursuant to Title 18, United States Code, Section 3592(c)(1) through (16)

1. John Phillip Street committed the offenses described in Counts Two and Three of the indictment in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to Douglas C. Weil. [18 U.S.C. § 3592(c)(6)].
2. John Phillip Street committed the offenses described in Counts Two and Three of the indictment as consideration for receipt, or in the

expectation of the receipt, of anything of pecuniary value. [18 U.S.C. § 3592(c)(8)].

3. John Phillip Street committed the offenses described in Counts Two and Three of the indictment after substantial planning and premeditation. [18 U.S.C. § 3592(c)(9)].

E. Non-Statutory Aggravating Factors for Counts Two and Three of the Indictment Enumerated Pursuant to Title 18, United States Code, Sections 3592(c) and 3593(a)

1. John Phillip Street poses a threat of future dangerousness, based upon the probability that he would commit criminal acts of violence that would constitute a continuing threat to society, as evidenced for example, by one or more of the following, among others:
 - a. John Phillip Street has displayed a complete lack of remorse for the killing of Douglas C. Weil;
 - b. John Phillip Street used physical force and threats of violence to collect drug debts and enforce discipline within his drug organization.

2. Victim impact evidence. The offense caused injury, loss and harm because of Douglas C. Weil's personal characteristics as an individual human being and the impact of the death upon Douglas C. Weil's family.

Respectfully submitted,

/s/ Todd P. Graves

Todd P. Graves
United States Attorney

/s/ Matt J. Whitworth

Matt J. Whitworth
Deputy United States Attorney

/s/ W. Brent Powell

W. Brent Powell
Assistant United States Attorney

Charles Evans Whittaker Courthouse
400 East 9th Street, 5th Floor
Kansas City, Missouri 64106
Telephone: (816) 426-3122

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was served this 16th day of November 2005, by electronic notice on those parties having entered their appearance under the Electronic Filing System (ECF), and by U.S. Mail, postage prepaid, on those parties having requested notice by conventional service.

Frederick A. Duchardt, Jr.
P.O. Box 349, 110 E. 6th Street
Kearney, MO 64060

/s/ W. Brent Powell

W. Brent Powell
Assistant United States Attorney